

*Image 1732*



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Atty Docket No.: 2401.128.DIV

In re the PATENT application of

Richard L. Goode

Examiner: Mark Eashoo

Serial No.: 10/028,775

Group Art Unit: 1732

Filed: December 28, 2001

For: Method of Making Ventilation Tube

**MAIL STOP: AMENDMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

Response to Notice of Non-Compliant Amendment (37 C.F.R. §1.121).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen M. Gerken".

Karen M. Gerken  
Registration No. 31,161

Hand-delivered: March 8, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450

Alexandria, VA 22313

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)

Sir:

This communication is submitted in response to a Notice of Non-Compliant Amendment (37 C.F.R. §1.121) received for the subject patent application and indicating the Amendment document filed by First Class Mail on January 23, 2004 as being non-compliant for the reason that each claim had not been provided with the proper status identifier. As explained below, the determination of non-compliance for the Amendment filed by First Class Mail on January 23, 2004 and the Notice of Non-Compliant Amendment are submitted to be in error.

The subject application was filed on December 28, 2001 with claims 1-21 and a Preliminary Amendment canceling claims 1-14. In the Amendment filed by First Class Mail January 23, 2004, claims 1-14 remained canceled, claims 15-18 were amended, claim 21 was canceled, new claims 22-24 were added and claims 19 and 20 were not changed relative to their original versions. Attached herewith is a copy of the Amendment as filed on January 23, 2004, and the status of each

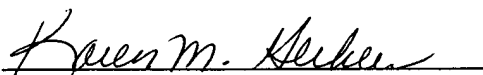
claim is clearly indicated by a parenthetical expression on pages 3-5 of the Amendment. In particular, claims 1-14 were indicated as being previously canceled, claims 15-18 were indicated as being currently amended, claims 19 and 20 were indicated as being original, claim 21 was indicated as being canceled, and claims 22-24 were indicated as being new.

The parenthetical expressions contained in the Amendment are consistent with the revised format for amendments recommended by the U.S. Patent and Trademark Office, and the status of each claim was clearly identified thereby.

In light of the foregoing, the assertion by the legal instruments examiner that each claim has not been provided with the proper status identifier is clearly improper and the Notice of Non-Compliant Amendment is clearly improper and should be withdrawn. The Amendment filed on January 23, 2004 is in condition for being acted on by the Examiner and early, favorable action on the merits is courteously solicited.

Should any issues in the subject application remain unresolved, the undersigned attorney should be contacted for resolution of such issues.

Respectfully submitted,

  
Karen M. Gerken  
Registration No. 31,161

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